

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TYRIN GAYLE,
Plaintiff

v.

S. MOWATT, MD, et al.,
Defendants

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No. 1:23-cv-00861

(Judge Kane)

ORDER

AND NOW, on this 25th day of March 2025, after considering the amended complaint and separately docketed exhibits filed by pro se Plaintiff Tyrin Gayle (“Gayle”) (Doc. Nos. 11, 12) as well as Defendants’ motion to dismiss or, in the alternative, motion for summary judgment, statement of material facts in support of their motion for summary judgment, and brief in support of their motions (Doc. Nos. 19, 23, 24), and for the reasons stated in the accompanying Memorandum, **IT IS ORDERED THAT**:

1. Defendants’ motion to dismiss or, in the alternative, motion for summary judgment (Doc. No. 19) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendants’ motion to dismiss Gayle’s amended complaint is **GRANTED**; and
 - b. Defendants’ motion for summary judgment is **DENIED AS MOOT**;
2. Gayle’s claims in the amended complaint under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) against Defendants S. Mowatt, M.D., Rhea Carey, John Keelen, Ann Narcoonis, and Jeremy Simonson, are **DISMISSED WITH PREJUDICE**;
3. Gayle’s claims in the amended complaint against Defendant United States under Bivens, or possibly under the Federal Tort Claims Act, are **DISMISSED WITHOUT PREJUDICE**;
4. Gayle does not have leave to file a second amended complaint; and

5. The Clerk of Court is directed to **CLOSE** this case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania